

**REMARKS**

**I. Formal Matters.**

Claims 23-26 are all the claims pending in the application. As an initial matter, Applicant thanks the Examiner for acknowledging Applicant's claim to priority under 35 U.S.C. §119 and for confirming receipt of a certified copy of Applicant's priority document. Applicant also thanks the Examiner for indicating that the drawings, filed on November 13, 2001, are acceptable. Finally, Applicant thanks the Examiner for withdrawing the objection of the Abstract in view of the revised Abstract submitted October 25, 2005.

**II. Claims.**

Claim 29 is rejected under 35 U.S.C. §112 for insufficient antecedent basis with respect to the claim element, "the time slot group." (FOA page 2). Applicant kindly directs the Examiner's attention to the line 11 of claim 29 which states, "... forms a time slot group . . .", which provides proper antecedent basis for "... the time slot group . . ." in line 13 of claim 29. Compliance with 35 U.S.C. §112, 2<sup>nd</sup> paragraph, is asserted and withdrawal of the rejection of claim 29 for insufficient antecedent basis is respectfully requested.

Claim 29 is objected to for redundancy (FOA page 2). Applicant asserts that the claim elements are readily understood by one of ordinary skill in the art and meet the requirements of 35 U.S.C. 112. Claim 29 beginning at line 12 recites, "said control instruction determining *means forms* a time slot group per an interleaved block as interleaved unit in the counterpart station *and determines . . .*" Applicant asserts that the claim language cited by the Examiner properly serves to define the function of the control instruction determining means in accordance

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with 35 U.S.C. §112, 2<sup>nd</sup> paragraph. (MPEP 2106 II C *recites*, “Office personnel may not dissect a claimed invention into discrete elements . . . the claim as a whole must be considered.”)

Withdrawal of the objection to claim 29 is asserted as being proper is deemed proper and respectfully requested.

Claims 23-36 are rejected as being unpatentable over *Petersson* (U.S. Patent No. 6,567,670) in view of *Janky* (U.S. patent No. 5,790,527) under 35 U.S.C. §103(a).

Claims 23 and 29. The Examiner acknowledges that *Petersson* fails to disclose error correction coding for information bit within the transmitted signal and interleaving the time slots into one block. Therein the Examiner relies on *Janky* to disclose error correction coding for information bit within the transmitted signal and interleaving the time slots into one block (OA page 4, Examiner citing to *Janky* at col. 7, lines 32-52 and col. 11, lines 29-45).

*Janky* teaches interleaving , and more specifically, adding forward error correction bits to the vocoder bit stream output, and then interleaving the bit stream in particular time slots over multiple frames. However, *Janky* fails to teach that a control instruction is determined depending upon the reception quality values of slots that have already been received in a pre-determined interleave block. Primary reference *Petersson* fails to teach or suggest determining a control instruction step depending upon the reception quality values of slots that have already been received *in a pre-determined interleave block*.

In contrast, claims 23 and 29 require, determining a control instruction depending upon said reception quality values of time slots that have already been received in a pre-determined interleaved block. *Petersson* and *Janky*, either alone or in combination, fail to teach or suggest

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determining a control instruction depending upon said reception quality values of time slots that have already been received in a pre-determined interleaved block. At least for this deficiency the rejection of claims 23 and 29 as being unpatentable over *Petersson* in view of *Janky* under 35 U.S.C. §103(a), should be withdrawn.

Claims 24-28 and 30-36 are asserted as being allowable at least by virtue of their dependence upon an allowable claim.

The subject specification teaches an “interleaved block” for example at Fig. 3. The specification also supports a control instruction determining step for, in a periodicity shorter than a pre-determined interleaved block period, which is a slot, as shown, for example, in Fig. 6. And finally, determining a control instruction depending upon said reception quality values of slots that have already been received in a pre-determined interleaved block, is also shown, for example, in Fig. 6.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

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